STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JERICA VALENTINE, JORDAN VALENTINE, JOHN SCHULTZ, JACOB SCHULTZ and JALAINA SCHULTZ, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE ANN SCHULTZ,

Respondent-Appellant,

and

JOHN A. SCHULTZ, JR.,

Respondent.[1]

UNPUBLISHED
September 8, 2000

No. 218180
Bay Circuit Court
Family Division
LC No. 97-006009-NA

Before: Wilder, P.J., and Doctoroff, and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from a family court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c), (g) and (j); MSA 27.3178(598.19b)(3)(c), (g) and (j). We affirm.

[1] Respondent John Schultz, the father of the minor children, also filed an appeal challenging termination of his parental rights. However, a stipulation to dismiss his appeal was entered by the parties and, thus, his claims are no longer before this Court.

Respondent argues that the trial court erred in exercising jurisdiction over her youngest child because she had executed a power of attorney giving care and custody of the child to her sister. We disagree.

The family court did not err in exercising jurisdiction over respondent's youngest child because execution of a power of attorney does not divest the family court of jurisdiction over otherwise valid termination petitions. *In re Martin*, 237 Mich App 253; 602 NW2d 630 (1999). The family court is clearly authorized to hear neglect and termination cases, MCL 712A.2(b); MSA 27.3178(598.2)(b), and the FIA's petition contained sufficient information to show that the complaint was not frivolous. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); MCL 712A.19b(3)(b) and (k); MSA 27.3178(598.19b)(3)(b) and (k); MCL 722.638(1)(a)(ii); MSA 25.282(1)(a)(ii). Furthermore, respondent's execution of a power of attorney did not result in a change in the child's actual custodial environment and was thus ineffective to thwart the court's properly obtained jurisdiction. *In re Webster*, 170 Mich App 100, 106; 427 NW2d 596 (1988). See *In re Martin*, *supra*.

Respondent also contends that the family court erred in terminating her parental rights to the youngest child because the court did not restrict itself to considering only legally admissible evidence introduced at the adjudicatory trial, as provided under MCR 5.974(D). However, respondent does not identify what specific evidence was allegedly inadmissible or was improperly considered by the family court. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Therefore, we decline to consider this issue.

Lastly, respondent argues that the family court clearly erred in terminating her parental rights to the children because the ruling was not supported by clear and convincing evidence. We disagree.

After reviewing the record, we conclude that the petitioner presented clear and convincing evidence to warrant termination of respondent's parental rights. Although respondent participated in some of the services and made an effort to implement new parenting skills during visitation, she failed to make sufficient progress to warrant reunification with her children. The evidence showed that respondent failed to protect the children from her abusive relationship with Schultz and had resumed a relationship with him despite believing her children's allegations that that he sexually abused them. Further, respondent admittedly abused the children both emotionally and physically while they were in her care. The evidence also showed that respondent was reluctant to engage in counseling to address her parenting deficiencies, and although she eventually participated in therapy, the family counselor opined that she had not progressed far enough to provide a proper and safe environment for the children, nor was she likely to do so in the next two years. Finally, although she had made some progress during visitation, respondent was still unable to control the children. On this record, we find that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). In addition, the family court's assessment of the best interests of the children was not clearly erroneous. MCL 712A.19b(5);

MSA 27.3178(598.19b)(5); *In re Trejo Minors*, ___ Mich ___; ___ NW2d ___ (Docket No. 112528, decided July 5, 2000), slip op p 18. Therefore, the family court did not err in terminating respondents' parental rights.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Gary R. McDonald
/s/ Martin M. Doctoroff